

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3659/1</b>	<b>Introduction Number</b> <b>AB-0559</b>
<b>Description</b> Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                             </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                             <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes                                 <input type="checkbox"/> No                             </div> </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Decrease Costs                             </div> </div>	
<b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate  <div style="margin-left: 20px;"> <div style="display: flex; justify-content: space-between;"> <div>                         1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> <div>                         3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                          4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> </div> </div> <div style="width: 33%;"> <b>5.Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                             </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                             </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>	
<b>Agency/Prepared By</b>  DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b>  Tom Herman (608) 266-0239
<b>Date</b>  11/12/2009	

## **Fiscal Estimate Narratives**

**DA 11/12/2009**

LRB Number	<b>09-3659/1</b>	Introduction Number	<b>AB-0559</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions					

### **Assumptions Used in Arriving at Fiscal Estimate**

If this bill is enacted, prosecutors anticipate a significant cost to DA offices. The number of petitions for injunction hearings or of injunctions granted by courts is difficult to determine; however, prosecutors estimate that a large number is issued each month. Many of the the injunctions would involve the surrender of firearms and would be contested by respondents. Because of the uncertainty regarding how many injunctions are granted, it is difficult to provide a fiscal estimate should this bill be enacted.

Prosecutors are concerned about the constitutionality of such a law.

Significant costs for Sheriff Departments and the Courts are anticipated.

### **Long-Range Fiscal Implications**

Should this bill be enacted, prosecutors envision a significant long-range fiscal impact on their offices. Because the number of injunctions granted each month is difficult to determine, it is difficult to estimate the long-range cost of enactment of this bill.

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<b>LRB Number</b> <b>09-3659/1</b>		<b>Introduction Number</b> <b>AB-0559</b>	
<b>Description</b> Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</div>	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<div style="display: flex; justify-content: space-between;"><input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</div>		<div style="display: flex; justify-content: space-between;"><input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</div>	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<div style="display: flex; justify-content: space-between;"><input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</div>		<div style="display: flex; justify-content: space-between;"><input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</div>	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b>			
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DA/ Phil Werner (608) 267-2700		Tom Herman (608) 266-0239	
		<b>Date</b>	
		11/25/2009	

## Fiscal Estimate Narratives

DA 11/25/2009

LRB Number	09-3659/1	Introduction Number	AB-0559	Estimate Type	Updated
<b>Description</b> Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions					

### Assumptions Used in Arriving at Fiscal Estimate

If this bill is enacted, prosecutors anticipate a small cost to DA offices. The number of petitions for injunction hearings or of injunctions granted by courts is difficult to determine; however, prosecutors estimate that a large volume is issued each month. Many of the injunctions would involve the surrender of firearms and would be contested by respondents. Because of the uncertainty regarding how many injunctions are granted, it is difficult to provide a fiscal estimate should this bill be enacted.

Sheriff Departments and the Courts could anticipate a fiscal impact.

### Long-Range Fiscal Implications

Should this bill be enacted, prosecutors envision a small long-range impact on their offices. Because the number of injunctions granted each month is difficult to determine, it is difficult to estimate the long-range cost of enactment of this bill.

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## **Fiscal Estimate Narratives**

**DOJ 12/4/2009**

LRB Number	<b>09-3659/1</b>	Introduction Number	<b>AB-0559</b>	Estimate Type	<b>Original</b>
<b>Description</b> Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions					

### **Assumptions Used in Arriving at Fiscal Estimate**

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Assembly Bill 559.

### **Long-Range Fiscal Implications**

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<b>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 11/12/2009

## **Fiscal Estimate Narratives**

**SPD 11/12/2009**

LRB Number	<b>09-3659/1</b>	Introduction Number	<b>AB-0559</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions					

### **Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill provides procedural rules regarding notification to certain persons required to surrender to law enforcement any firearms in their possession. Therefore, the SPD would not be required or authorized to appoint attorneys under this bill, and the SPD does not anticipate any increase in its caseload if the bill is enacted. This assessment is premised on the assumption that these procedural rules would not result in the arrest or prosecution of additional individuals for unauthorized possession of firearms. The SPD does not have data to determine whether the proposed rule would have any affect upon the number of charges for unauthorized possession.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, for the same reason that the SPD does not anticipate any impact on its caseload, the counties are unlikely to see any such increase in case appointments.

### **Long-Range Fiscal Implications**